

REMARKS

Claims 1 and 2 have been amended and claims 3 and 5, withdrawn from consideration due to a restriction requirement, have been presently cancelled. Thus claims 1, 2, 4 and 6 are pending in this application. Said claims are presented for reconsideration.

The claims have been amended in accord with the current rules in which underlining shows additions and strikethrough shows deletions.

Applicants have amended their claims in order to more particularly point out and distinctly claim a preferred embodiment of their invention. Thus, in claim 1 and necessarily the remaining claims, A and B are limited to polymer blocks of specific ethylenically unsaturated monomer units. Said claim limit is supported by the disclosure on page 6, second full paragraph. No new matter has been added.

Claims 1, 2, 4 and 6 are finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Matyjaszewski et al. (U.S. Patent 5,789,487) in view of Ueda et al. (Macromolecules Vol. 31, No. 3, 557-62, 1999) for reasons clearly stated in the Office Action.

Reconsideration of this rejection is requested in light of the amendment *supra* and the following remarks.

Matyjaszewski et al. discloses hyperbranched polymers obtainable from monomers of the formula (V) as disclosed in col. 20, starting at line 51. However said monomers of the formula (V) as disclosed in col. 20, line 55 and, consequently, hyperbranched polymers obtainable from these monomers, are excluded from the present claims.

Polymerizable monomers according to the primary reference have a functional group (chlorine) attached to the monomer units, which could propagate the polymerization from the monomer unit. This distinguishes the prior art polymers from the claimed polymers wherein additional functional groups (chlorine) are attached to the initiator molecules.

The initiators applied according to the primary reference; C₁-C₆alkyl esters of 2-halo-C₁-C₆carboxylic acids, as disclosed in cols. 9 and 10, yield polymers of linear structure. To arrive at branched polymer

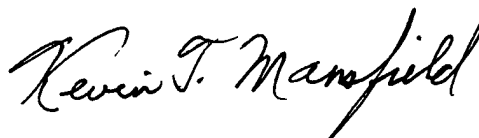
structures, the functional group (chlorine) that allows further polymerization has to be attached to the polymerizable monomer unit. Applicants aver that modification at the initiator fragment is clearly advantageous over the modification within a monomer unit in view of the random polymerization of the monomer units, which would result in multi-branched random structures.

The secondary reference teaches modification at the initiator fragment. However, the teaching of that reference is strictly limited to the use of $\text{Al}(\text{acac})_3$ catalysts in view of the clear statement on page 558, left col., 13-14 lines below reaction scheme (1). Hence the combined teachings of these references, even if proper, would not have rendered obvious the presently claimed invention.

Reconsideration and withdrawal of the final rejection of claims 1, 2, 4 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Matyjaszewski et al. in view of Ueda et al. is respectfully solicited in light of the remarks *supra*. Further, since there are no other grounds of objection or rejection, passage of this application to issue with said claims is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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